

been substituted for pineapple-apricot, raspberry, boysenberry, and strawberry preserves, respectively.

Misbranding, Section 403 (e) (2), the labels of the articles failed to contain an accurate statement of the quantity of the contents since the articles were short of the declared weight; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for the preserves since the soluble solids content was less than that prescribed by the standard.

DISPOSITION: August 8, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12352. Adulteration and misbranding of Strawberry Treet and peach topping. U. S. v. 9 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22938, 22939. Sample Nos. 76828-H, 76858-H.)

LIBELS FILED: April 22, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about January 28 and 31 and March 18, 1947, by the Lano Food Products Co., from Minneapolis, Minn.

PRODUCT: 9 cases of Strawberry Treet and 12 cases of peach topping at Milbank and Aberdeen, S. Dak., respectively. Each case contained 12 19-ounce jars. The products were packed in transparent glass jars and had the appearance of strawberry and peach preserves, respectively.

LABEL, IN PART: "Edd Leon's Strawberry Treet [or "Peach Topping"]l."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (Strawberry Treet) a substance consisting essentially of strawberries and sugar and containing added phosphoric acid, and having a soluble solids content of less than 68 percent, had been substituted in whole or in part for strawberry preserves; (peach topping) a substance consisting essentially of a mixture of peaches and sugar, and containing added phosphoric acid, and having a soluble solids content of less than 65 percent, had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (g) (1), the articles purported to be peach and strawberry preserves and failed to conform to the definition and standard of identity therefor since the soluble solids content of the articles was less than the minimum required by the standard and since they contained added phosphoric acid, which is not permitted as an ingredient of peach and strawberry preserves in such definition and standard.

DISPOSITION: June 9, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to charitable institutions.

12353. Adulteration of apple butter. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, \$100. (F. D. C. No. 23304. Sample Nos. 30458-H, 48293-H, 72691-H, 72692-H.)

INFORMATION FILED: August 20, 1947, District of Utah, against Hewlett Bros. Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about January 13, February 28, and March 14, 1947, from the State of Utah into the States of Colorado, Nevada, and Oregon.

LABEL, IN PART: "Hewlett's Pure Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that its soluble solids content was not less than 43 percent, and since it contained benzoate of soda which is not permitted as an optional ingredient of apple butter.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

12354. Misbranding of apple butter. U. S. v. Delta County Canning Co. Plea of guilty. Fine, \$250. (F. D. C. No. 23235. Sample No. 91506-H.)

INFORMATION FILED: September 3, 1947, District of Colorado, against Delta County Canning Co., a corporation, Delta, Colo.

ALLEGED SHIPMENT: On or about December 11, 1946, from the State of Colorado into the State of Kansas.

LABEL, IN PART: "Town Talk * * * Apple Butter Packed for The Stone-Hall Co. Denver, Colo."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent.

DISPOSITION: October 7, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$250 was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

12355. Misbranding of canned mixed vegetables. U. S. v. 580 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23110, 23111. Sample Nos. 90939-H, 90940-H.)

LIBEL FILED: May 9, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about November 4, 1946, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.

PRODUCT: 1,056 cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Baltimore, Md.

LABEL, IN PART: "Royal Clover Brand Mixed Vegetables," and "Charles G. Summers, Jr.'s, Superfine Brand Mixed Vegetables Special Summer Pack."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of mixed vegetables which appeared on all can labels was misleading, since it did not depict the true proportion and general appearance of the ingredients which were actually present in the cans; the vignette of a dish of mixed vegetables which appeared on some of the can labels was misleading, since such vignette showed very few carrots, whereas carrots decidedly predominated in the mixture; and the label statement "fancy" appearing on some cans was false and misleading as applied to the article, since it was not of fancy quality, because of the presence of ragged pieces and slivers of vegetables, mature white lima beans, and fibrous green beans.

DISPOSITION: May 22 and June 30, 1947. B. H. Rudo & Brother, Baltimore, Md., and Charles G. Summers, Jr., Inc., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling.

12356. Adulteration of canned green beans. U. S. v. 31 Cases * * *. (F. D. C. No. 23398. Sample No. 99589-H.)

LIBEL FILED: August 5, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about April 10, 1946, by Texas Canning Co., Falfurrias, Tex.

PRODUCT: 31 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Quincy, Ill. Examination showed that the product was decomposed.

LABEL, IN PART: "Miss Texas Brand Cut Green [or "Green Stringless"] Beans."

NATURE OF CHARGE: Misbranding, Section 403 (b) (1), the product failed to conform to the definition and standard of identity for canned green beans, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12357. Misbranding of canned green beans. U. S. v. 376 Cases * * *. (F. D. C. No. 23354. Sample No. 49513-H.)

LIBEL FILED: July 11, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 30, 1946, by Deaf Smith County Food Products, from Hereford, Tex.

PRODUCT: 376 cases, each containing 6 6-pound, 8-ounce cans, of green beans at New Iberia, La.

LABEL, IN PART: "Deaf Smith County Foods Cut Green Beans Packed by Deaf Smith County Food Products Co., Inc. * * * with the unusual Vitamin and Mineral properties of Deaf Smith County Food Products. From the Town without a toothache. Contents of this can were produced in the vicinity of Hereford, Texas, the town known throughout the world because of its almost